

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.10196 OF 2007

Between:

L.V.Subrahmanyam

. . .Petitioner

AND

The Hon'ble Lokayukta, A.P., Hyderabad

. . .Respondent

:: ORDER ::

Counsel for the petitioner : Shri P.Sri Raghuram

Counsel for the respondent : Shri M.V.S.Suresh Kumar

18th June, 2007

PER G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for quashing order dated 20.12.2006 passed by Lokayukta of Andhra Pradesh in complaint No.827/2005/B1.

Shri P.Sri Raghuram, learned counsel for the petitioner made strenuous efforts to persuade us to grant declaration that Section 7 of Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (for short 'the Act') is ultra vires the power of the State Legislature and argued that the judgment of the Division Bench in **J.Papa Rao v. Government of Andhra Pradesh**^[1], vide which an earlier judgment of the learned Single Judge in **A.Santhanam v. State of Andhra Pradesh**^[2] declaring Section 7 of the Act to be intra vires, was overruled, requires re-consideration. However, on being pointed out by the Court that in the absence of specific prayer for declaring Section 7 of the Act to be ultra vires the power of the State Legislature, his client may not get the desired relief, the learned counsel made a request that the petitioner may be permitted to withdraw this petition with liberty to file fresh one on the same cause and also challenge the vires of Section 7 of the Act.

Shri M.V.S.Suresh Kumar, learned counsel appearing for the respondent says that he does not have any objection.

In view of the above, the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ petition as withdrawn, WPMP

No.12897 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

18^h June, 2007

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[\[1\]](#) 2004(2) ALD 855

[\[2\]](#) 1993(3) ALT 666